

App. F. IX-4

1929-30
(Medical)

File No. 52-29

Previous References

Med. 101-25 (12 + 13)
" 26-13 (24 + 33)

Serial Nos. 1 + 2

Later References

General and Revenue Secretariat.

Serial Nos. 2.

Part B for October 1929.

SUBJECT

Memorial from Mr. C. Lakshmiath,
Second Class Sub-Assistant Surgeon.

Sl. 2.

N^o G. 4876-7 dt. 5.10.29.

To The Senior Surgeon in Mysore.

" Comptroller to Govt. Med. Est. Salt.

Observes that absence on leave without allowances should not by itself result in disturbing the relative rank of an officer in the cadre carrying progressive pay etc. and directs that the name of Mr. C. Lakshmiath be shown above Messrs. Md. Sibanghulla + Thumber-sawmy pillai in the Gradation List.

By / abp

Med

Serial
No.

From Mr. S. Suleon.

No C 344-1 of 5-8-29.

Forward a memorial addressed to you by Mr. C. Lakshmiiah, Sub Post Surgeon, praying for his being placed above Messrs Sibapulla & Thambasami Pillai in the graduation list.

(1) Mr C. Lakshmiiah was appointed Hospital Post on 22-7-1903 and has now put in 26 years of service. He has taken leave without allowances on two occasions for short periods of 25 days and 18 days in 1905 & 1919 on account of private affairs.

(2) The promotions from class to class in the Grade of Sub Post Surgeons are given ^{made} on the basis of service for a specified number of years.

The Sub Post Surgeon represents that when Govt sanctioned the promotion due after 7 years, 10 years and 15 years the period of leave without allowance was not excluded from account and the promotions were given from 22-7-1910, 22-7-1913, & 22-7-1918.

(3) But when a promotion fell due after 20 years of service, this was sanctioned from 30-8-1923 (excluding from calculation all the leave without allowances). Further his relative rank also seems to have been lowered

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Granting promotion
from 30.8.23 instead
of from 22.7.23.

Corresponding to the date on which
he got this promotion.

The grievance is that the principle
of taking total service and not
qualifying service into calculation
accepted on previous occasions was
departed from in this instance.

He does not now press for any
change in the date of promotion
but wishes that his relative rank
(above Messrs Sibagthulla & Thambasami Pillai) which he held formerly
might be restored to him so as not to
affect his future prospects and promotion
at his present age. The Sub Post Surgeon
also refers to instances in the Civil Division
of officers retaining higher rank
though drawing lesser pay.

The Sr Surgeon states that loss of rank
was a necessary consequence of the
change in the date of promotion.

(3) The memorialist states that in the
case the promotion was only in the
nature of an increment in a time scale
with no change in designation and
that it would be hard if the mere fact
of his taking a few days leave without
allowances were to take into account
and pray for favourable orders.

Subd with references.

14/8/29

The File. Sect may perhaps be

consulted

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5) Was there no allocation statement
appor by Govt in accordance with the
G.O. of 1918?

Also with a copy of the Gradation
List as it stood on 30th June 1920.
From which it is seen that Mr
C. Lakshminath's place was above
Messrs Sivaguthula & Thambusami Pillai
16/8.

6) The only point for considera-
tion in this case is whether in a
time scale of pay where promotion is
given according to a specified period
of service, the relative rank in the
grade is affected by a portion of the
period of service qualifying for pro-
motion, being treated as leave without
allowances.

8) In the present instance, the
Sub. Asst. Surgeon took 25 days' leave
without allowances in 1905 and again
13 days in 1919. In the grade promo-
tions that he got from time to time,
this period of 38 days did not pre-
judice either the date from which he
was entitled to get such promotions
or his relative rank for full 20 years.
But when his next promotion fell
due on a service of 20 years, in 1923,

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not only was the period of 38 days of leave without allowances deducted for the first time out of 20 years service delaying his promotion thereby by 38 days, but his rank in the cadre was also ~~arranged~~ brought down correspondingly. This has resulted in two of his juniors going above him. The promotion being only in the nature of an increment, the S.A.S. contends that except for unsatisfactory work his relative rank should remain unaffected by such increment being delayed for a few days on account of leave without allowances.

a) The S.S. explains away by saying that the names were re-arranged in 1923 according to the dates on which each S.A.S. got his increment after 20 years service and that in such re-arrangement, Mr. Lakshminah S.A.S. in question had lost two places.

b) The S.A.S.' contention seems to deserve consideration. The Financial Secy. has to be consulted.

(Chief Secy)

11) For further remarks

16/8

12) For Secy. Ltr. Contd.

Rg
28.8.29CHIEF SECRETARY
17 AUG. 1929

NOTE—Contn. Sheet.

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30 AUG. 1929
2697

13)

The provision a increment takes place effect only from the date of return from long leave. The relative rank is generally not affected in the case of officers holding appointments with increments.

Ans.
29.8.29

W) There is some fear in the representation -
As we are here in that allowance should not result in disturbing the relative rank of an officer in grades or cadre carrying corresponding progressive scales of pay, even tho under the operation of the rules, a person may be entitled to higher emolument than the former.

But there are one or two points in this case which are worth mentioning:-

1. The S. A. S has kept on the matter for nearly 6 years and there is no satisfactory explanation forthcoming for his inactivity. Furthermore, the question seems to be one of which is not of practical interest, as the chances of promotion to the next higher grade - Ist class - are remote. There are 6 men, I believe, above Mr. M. S. Subgathakka, who are in class II. The sanctioned strength of class I is only 6. All the posts are filled up. The claim of Mr. Lakshminath may be considered when a vacancy reaches the

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(6)

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Flag "R"

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Subd. Kind attention is invited to
Para 2 of the representation of Mr. Subash
Surbani offering his explanation for
the delay in submitting his representation
from the ^{latest available} graduation list (Assn. stood on
31st Dec 1928) ^{put up} it is seen that Mr T.
Sadasiva MDL is the next man to get
the first class and that Mr Lakshminah
will be the 2nd man to get into the
first class, if his prayer were to be
considered favourably.

4/9/29 16) The rank at present is the
12th & if his prayer is granted, he will
become the 10th man & eligible for promotion
to the first class ^{next} after Mr T. S. Sadasiva.
The file may perhaps go up to the Joint
Secretary again, before submit to the
third member.

4.9.29 17) For favor of perusal
with ref: to A No 1 to 8 in
the graduation list have already been promoted
to 1st class.

Joint Secy)

4/9/29

Seen. Thanks. The representation may
be favourably considered.

4/9/29

4/9

Please put up
draft accordingly

4/9/29

4/9/29

Subd

Please put up a fair draft
as revised

4/9/29

① Laid with a typed draft for approval

~~3217~~
~~2019~~

20/5/23
28/5/23

3rd member)

2879/29

the
202912

R8
309(2)

Issue 28
1/10

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Financial Sec: has agreed (Vide previous pages)

Safe & fair use.

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1700

(some say)

Communicated

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Senior Surgeon & Comptroller Thos. J. Seeto
No 9. 4876-7th 5-10-29

observes that absence

on leave without allowances
should not by itself result
in disturbing the relative
rank of an officer in the
cadre carrying professional pay
etc & directs that the name
of Mr C. Lakshminath be shown
above Messrs Md Sibagthulla
& Thirubabani Pillai in the
gradation list

16. 10. 29

3

24/10

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8

GOVERNMENT OF HIS HIGHNESS THE MAHARAJA OF MYSORE,
MEDICAL DEPARTMENT.

Med 52.29-1.

In replying please quote
No. 344.

OFFICE OF THE SENIOR SURGEON IN MYSORE,

Bangalore, dated the 5th 8th 1929.

Enc. 2.

Telegrams:—
SENORGEN.

GENERAL MISCELLANEOUS BRANCH
7 AUG 1929

Telephone:—
No. 27

FROM

S SUBBA RAO, Esq., B.A., M.B.O.M., M.A.S., (Eng.) L.R.C.P., D.P.H.,

Senior Surgeon with the Government of His Highness
the Maharaja of Mysore.

To
CHIEF SECRETARY,
8 AUG. 1929

The Chief Secretary to the Government of

H.H. the Maharaja of Mysore, Bangalore.

SIR,

Ry 6

I have the honour to forward herewith a memorial addressed to Government in original, received from 2nd Class Sub Assistant Surgeon Mr. C. Lakshmiah, requesting that he may be placed above Messrs. Mohamed Sibgathulla and Thambusami Pillay and to state that the change in the position of Mr. C. Lakshmiah in the gradation list, is as admitted by the Sub Assistant Surgeon himself in para 3 of his memorial, due to his having obtained 38 days leave without allowances which does not count for increment. As the promotion of Sub Assistant Surgeons to Rs. 77/- had to be given after their completing 20 years of service, the amount of leave without allowances obtained by this Sub Assistant Surgeon was excluded and his promotion was given effect to from 30-8-23 while Messrs Mohamed Sibgathulla and Thambusami Pillai who completed their 20 years service on 22-7-23 and 18-8-23, were promoted from the above dates. Hence in arranging the names of Sub Assistant Surgeons in the next gradation list, Messrs. Sibgathulla and Thambusami Pillai who were promoted to Rs. 77/- from a prior date had to be placed above Mr. Lakshmiah.

In these circumstances, I am of opinion that there is no basis for reconsideration.

I have the honour to be,
Sir,
Your most obedient servant,

S. Subba Rao

SENIOR SURGEON.

To

The Chief Secretary to Government,
B a n g a l o r e.

(through the Senior Surgeon with the Government of His
Highness the Maharaja).

Respected Sir;

I beg to submit the following representation in regard to my relative rank in the cadre of Sub Assistant Surgeons.

2. I joined service on 22nd July 1903 and from the very beginning until recently I was accorded a rank above Mr.C.Mahomed Sibgathulla who entered service on the same day and Mr.M.J.Thambuswamy Pillai who was entertained a month later on 18th August 1903. When I recently saw/copy of Government Order No.10021-2/Med.101-25-13 dated 10th March 1927 sanctioning the allocation of Sub Assistant Surgeons in the revised scale, ~~that~~ I noticed that my name has now been placed below Messrs.Sibgathulla and Thumbuswami Pillai. As the Departmental Gradation Lists are not supplied to us I could not know when exactly this change in rank was effected and could not submit a representation earlier.

3. I append hereto for ready reference ^{statement giving} a brief history of my services.

Owing to unavoidable domestic circumstances I had to take leave without allowances for two short periods of 25 days in 1905 and 13 days in 1919. Promotion from class to class of Sub Assistant Surgeons was given on the basis of length of service put in. The promotions due to me after 7 years, 10 years and 15 years of service were given to me counting the period from date of entry into service and without excluding the Leave Without Allowance. But when a promotion fell similarly due after 20 years of service (under the reorganisation order of 1918), the Leave Without

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Allowance taken by me in the early part of my service was excluded from calculation so that my promotion was given from 30-8-1923 (instead of 22-7-1923) while some who joined service along with me but were all along juniors to me happened to get the same pay a few days earlier. I have no wish to press this question of delay in promotion at this distance of time. I am sorry however that this has been followed by reducing my permanent rank which I held for 20 years and placing me below two others who got higher pay a few days earlier. The promotion is only in the nature of an increment in a time scale with no change of designation and no supersession on ground of merit was ever intended. I learn that the relative rank of officers is left unaffected in such cases unless ^{loss} of rank also is specially directed. The Civil List and Gradation Lists of other Departments give instances of officers drawing lesser pay retaining higher rank. In my case there was no question of unsatisfactory work etc., and on the other hand I headed the list of successful candidates at the two Departmental Examinations held in 1910 and 1918 and my work has been uniformly appreciated. The mere fact that I had to take a few days leave on account of domestic needs (and this had to be without allowances as I had no other leave at credit) has delayed my promotion and permanently affected my rank. This has hit me very hard.

4. I there request that my rank may be restored to what it was for 20 years continuously i.e., above Messrs. C. Mahomed Sibgathulla and A.J. Thumbuswamy Pillai.

I beg to remain,
Respected Sir,

Your most obedient servant,

C. Lakshminarayana

Sub Assistant Surgeon,
Arlepet Dispensary,
Bangalore City.

Bangalore,)

19 July 1929.)

BRIEF HISTORY OF SERVICES.

<u>Designation</u>	<u>Date</u>	<u>R e m a r k s .</u>
1. Hospital Assistant, III Class.	22-7-1903	Recruited under the Rules of 1871.
(Leave without allowances for 25 days from 15-3-1905 to 8-4-1905 on account of <u>domestic necessity</u> .)		
2. Hospital Assistant II Class on (Rs.40)	22-7-1910	After 7 years service. (Sanctioned in G.O.No.2530-1/ Med.63-10-2 dated 12-9-1910)
3. Sub Assistant Surgeon II Class (Rs.50)	22-7-1913	After 10 years service, as per Reorganisation Order of November 1911. (Sanctioned in Government Order No.10935-6/Med. 26-13-33 dated 1-5-1914)
4. Sub Assistant Surgeon I Class (Rs.60)	22-7-1918	After 15 years service as per Reorganization Order of 1911 (Senior Surgeon's Memo No.C. 424 dated 26-8-1918)
5. ----do---- (Rs.65)	22-7-1918	Pay raised in accordance with revision of scale sanctioned in G.O.No.G.679-80/Med.69-16-4 dated 13-7-1918. (Senior Surgeon's Memo No.C.Dia.550 dated 1-2-1919)
(Leave without allowances for 13 days from 11-6-1919 to 23-6-1919 on account of illness).		
6. -----do----- (Rs.72)	1-9-1921	Increase given in view of High Prices under a general order No.Fl.C.6-55/S & A.5-21-11 dated 9-10-1921 applicable to all Departments.
7. -----do----- (Rs.77)	30-8-1923	After 20 years service excluding 38 days service spent on Leave Without Allowance as per scale sanctioned in the re-organisa- tion order of 1918.
8. Senior Sub Assistant Surgeon (Rs.87)	25-8-1924	According to vacancy available & not time-scale.
9. Sub Assistant Surgeon IIClass (Rs.100-5-125)	5-10-1926	According to the allocation in the revised scales sanctioned in G.O.No.G.3645-6/Med.101-25-11 dated 5-10-1926.

N.B. -- For promotions given after 7 years, 10 years and 15 years (items 2, 3 and 4) respectively, the leave without allowances is included in service, while for the promotion after 20 years service (item 7) the Leave Without Allowance taken from the beginning has been excluded from calculation.

Jan 1928 12

Proceedings of the Government
of His Highness the Maharaja of Mysore.

11/10

Read -

G.O. No. ⁹10021-2/Med.101-25-13 dated
10th March 1927 sanctioning with effect
from 5th October 1926 the allocation among
others of the marginally noted Sub Asstt.
Surgeons (as noted in the statement append
ed thereto) in the revised scale of pay
sanctioned in G.O.No.G.3645-6/Med101-25-11
dated 5-10-26.

Sl.13 Mohamed Sibagthulla
" 14 Thambusami Pillai
" 15 C. Lakshmiah

2. Letter No.C.344-1 dated 5th Aug.1929
from the Senior Surgeon forwarding with
his opinion a memorial from Mr.C.Lakshmiah
Second class Sub Assistant Surgeon, request-
ing that he may be placed above Messrs.Mahom-
med Sibagthulla and Thambusami Pillai under
the circumstances stated.

Order No.G.

4876-7 / med. 52-29-2
Dated, Bangalore 5.10.28

It is reported that the Sub Asst.
Surgeon Mr. Lakshmiah had taken leave
without allowances on two occasions for
short periods of 25 days and 13 days in
1905 and 1919 respectively and that his g
grade promotions after 7, 10 and 15 years of
service were due on 22-7-1910, 22-7-1913
and 22-7-1918 ^{and} were sanctioned from the due
dates without reference to the period of
leave without allowances, but that ^{the} promotion
after 20 years of service which fell due on
22-7-23 alone was deferred to 30-8-23 dis-
allowing the total period of such leave for

promotion. At the same time in rearranging the names of Sub Asstt. Surgeons in the subsequent gradation list, ^{two persons} ~~people~~ who were below Mr. Lakshmiah but who got the grade promotion on 22-7-23 were placed above him. Mr. Lakshmiah contends that the fact of deferring his grade promotion by a ~~few~~ few days, not being due to unsatisfactory work, should not prejudice his relative rank in the cadre.

2. On ^a ~~the~~ careful consideration of the matter, Government observe that absence on leave without allowances should not by itself result in disturbing the relative rank of an officer in a cadre carrying Progressive scale of pay, even though under the operation of the rules a junior may be entitled to higher emoluments than the former. They are accordingly pleased to direct in modification of the arrangements sanctioned in ^{the} G.O. read above, that the name of Mr. C. Lakshmiah be ^{shown} ~~placed~~ above Messrs. Md. Sibagthulla and Thambusami Pillai in the gradation list.

^{Dec 28/24}
For Chief Secretary to Govt.

To

The Senior Surgeon in Mysore.
The Comptroller to Government
through Finl. Sectt.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

-----:0:-----

Read : -

Government Order No. G. 10021-2/Medl. 101-25-13 dated the 10th March 1927 sanctioning with effect from 5th October 1926, the allocation among others of the marginally noted Sub Assistant Surgeons (as noted in the statement appended thereto) in the revised scale of pay sanctioned in Government Order No. G. 3645-6/Medl. 101-25-11 dated the 5th October 1926.

2. Letter No. C. 344-1 dated the 5th August 1929 from the Senior Surgeon forwarding with his opinion a memorial from Mr. C. Lakshminah, Second Class Sub Assistant Surgeon, requesting that he may be placed above Messrs. Mahomed Singathulla and Thambuswami Pillai under the circumstances stated.

Order No. *9-4876-7/1105 2-19-2*
Dated, Bangalore, *5th* October 1929.

It is reported that the Sub Assistant Surgeon Mr. Lakshminah has taken leave without allowances on two occasions for short periods of 25 days and 13 days in 1905 and 1919 respectively and that his grade promotions after 7, 10 and 15 years of service were due on the 22nd July 1910, 22nd July 1913 and 22nd July 1918 and were sanctioned from the due dates without reference to the period of leave without allowances; but that the promotion after 20 years of service which fell due on 22nd July 1923 alone was deferred to 30th August 1923, disallowing the total period of such leave for promotion. At the same time in rearranging the names of Sub Assistant Surgeons in the subsequent gradation list, two persons who were below Mr. Lakshminah but who got the grade promotion on 22nd July 1923 were placed above him. Mr. ~~Lakshminah~~
~~Lakshminah~~

Sl. 13 Mahomed Singathulla,
14 Thambuswami Pillai,
15 C. Lakshminah.

PROCEEDINGS OF THE GOVERNMENT OF HIS HIGHNESS
THE MAHARAJA OF MYSORE.

-----0:-----

R e a d

Government Order No. G. 10021-2/Medl. 101-25-13 dated the 10th March 1927 sanctioning with effect from 5th October 1926 the allocation among others of the marginally noted Sub Assistant Surgeons (as noted in the statement appended thereto) in the revised scale of pay sanctioned in Government Order No. G. 1645-6/Medl. 101-25-11 dated the 5th October 1926.

2. Letter No. C. 344-1 dated the 5th August 1929 from the Senior Surgeon forwarding with his opinion a memorial from Mr. C. Lakshminah, Second Class Sub Assistant Surgeon, requesting that he may be placed above Messrs. Mahomed Sibgathulla and Thanbusswami Pillai under the circumstances stated.

Order No. *9-4876-7/1105-2-19-2*
Dated, Bangalore, *5th* October 1929.

It is reported that the Sub Assistant Surgeon Mr. Lakshminah has taken leave without allowances on two occasions for short periods of 25 days and 13 days in 1905 and 1919 respectively and that his grade promotions after 7, 10 and 15 years of service were due on the 22nd July 1910, 22nd July 1913 and 22nd July 1918 and were sanctioned from the due dates without reference to the period of leave without allowances; but that the promotion after 20 years of service which fell due on 22nd July 1923 alone was deferred to 30th August 1923, disallowing the total period of such leave for promotion. At the same time in rearranging the names of Sub Assistant Surgeons in the subsequent gradation list, two persons who were below Mr. Lakshminah but who got the grade promotion on 22nd July 1923 were placed above him. Mr. ~~Lakshminah~~
~~Lakshminah~~

Sl. 13 Mahomed Sibgathulla;
14 Thanbusswami Pillai,
15 C. Lakshminah.

2.

Mr. Lakshmiya contends that the fact of deferring his grade promotion by a few days, not being due to unsatisfactory work, should not prejudice his relative rank in the cadre.

2. On a careful consideration of the matter, Government observe that absence on leave without allowances should not, by itself result in disturbing the relative rank of an officer in a cadre carrying progressive scale of pay, even though under the operation of the rules a junior may be entitled to higher emoluments than the former. They are accordingly pleased to direct, in modification of the arrangements sanctioned in the Government Order read above, that the name of Mr. C. Lakshmin be shown above Messrs. Mahomed Sibgathulla and Thambuswami Pillai in the gradation list.

Rajendra Prasad

Jr Chief Secretary to Government.

P.H.

To

The Senior Surgeon in Mysore,

The Comptroller to Government
through the Financial Secretariat.